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LEGISLATIVE HISTORY

Public Law 91-591

H.R. 19402

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INDEX AND SUMMARY OF H.R. 19402

- Sept. 22, 1970 Rep. Schwengel introduced H.R. 19402 which was referred to House Agriculture Committee. Print of bill as introduced.
- Oct. 13, 1970 House committee voted to report H.R. 19402.
- Nov. 16, 1970 House committee reported without amendment H.R. 19402. H. Rept. 91-1615. Print of bill and report.
- Dec. 1, 1970 Sen. Dole introduced S. 4548. Print of bill as introduced.
- Dec. 7, 1970 House passed H.R. 19402 as reported.
- Dec. 8, 1970 H.R. 19402 referred to Senate Agriculture and Forestry Committee. Print of bill as referred.
- Dec. 15, 1970 Senate committee reported without amendment H.R. 19402. Senate Report 91-1440. Print of bill and report.
- Dec. 17, 1970 Senate passed H.R. 19402 as reported.
- Dec. 28, 1970 Approved: P.L. 91-591



91ST CONGRESS
2D SESSION

H. R. 19402

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 1970

Mr. SCHWENGEL introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That

4 SEC. 2. The Secretary of Agriculture is hereby au-
5 thorized to accept, receive, hold, and administer on behalf
6 of the United States gifts, bequests, or devises of real and
7 personal property made unconditionally for the benefit of the
8 National Agricultural Library or for the carrying out of any
9 of its functions. Conditional gifts may be accepted and used
10 in accordance with their provisions provided that no gift may
11 be accepted which is conditioned on any expenditure not

A BILL

To authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

By Mr. SCHWENGEL

SEPTEMBER 22, 1970

Referred to the Committee on Agriculture

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

For actions of October 13, 1970
91st-2nd, No. 180

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

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Eagle Cap Wilderness	Outlays.....6	Compact.....9
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HIGHLIGHTS: House accepted conference report on farm bill and agreed to Senate amendments to bill revising Federal Aid in Wildlife and Fish Restoration Acts. House committee reported plant variety protection bill and voted to report bill authorizing receipt of gifts for NAL. Rep. Goodling criticized distribution of food stamps to strikers. Senators Dole, Miller and others urged action on Farm Bill Conference report before recessing and deplored attempts to keep the report from reaching the floor.

HOUSE

1. FARM BILL. Accepted the conference report on H.R. 18546, the proposed Agricultural Act of 1970. pp. H10057-62
2. FISH AND WILDLIFE. Agreed to the Senate amendments to H.R. 12475, to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act. This bill now goes to the President. p. H10039

3. AGRICULTURE COMMITTEE ACTION.

Reported without amendment S. 3070, the plant variety protection bill. (H. Rept. 91-1605). p. H10092; and

Voted to report (but did not actually report) H.R. 19402, authorizing the receipt of gifts for the benefit of the National Agricultural Library. p. D1145

4. FOOD STAMPS. Rep. Goodling stated the food stamp program "has become distorted" through issuance of stamps to strikers and urged the program be returned to "its proper 'assistance to the needy' form". p. H10083

5. SOLID WASTE DISPOSAL. Agreed to conference report on H.R. 11833, to amend the Solid Waste Disposal Act. This bill now goes to the President. pp. H10066-7

6. OUTLAYS. Received a letter from the Director, Office of Management and Budget, transmitting a report on the operation of the limitation on budget outlays for FY 71, for the period through September 30, 1970, pursuant to section 501 of the Second Supplemental Appropriations Act, 1970 (H.Doc. 91-403); to the Committee on Appropriations. p. H10092

SENATE

7. RECESS. Agreed to H. Con. Res. 774 providing for recess of the Congress from Wednesday, October 14 until Monday, Nov. 16. p. S17950

8. WILDERNESS. Passed with amendment S. 1142, to classify as wilderness national forest land adjacent to the Eagle Cap Wilderness Area known as Minam River Canyon. pp. S17811-12

9. RIVER BASIN COMPACT. Judiciary Committee reported with amendments S. 1079, granting congressional consent to the Susquehanna River Basin Compact (S. Rept. 91-1333). p. S17816

10. FARM BILL. Senators Dole, Miller and others spoke of the need to act on the Farm Bill before the recess and deplored attempts to prevent the Conference Report from coming before the Senate. pp. S17968-74; S17978-83

11. CONSUMER. Sen. Hart placed in the Record the Marketing Conference speech delivered by FTC Commissioner Elman, "The Consumer Movement--And What It Means for Business" pp. S17836-37

BILLS INTRODUCED

12. CONTRACTS. H.R. 19696, by Rep. Foley et al, to authorize the Secretary of Agriculture to enter into negotiated contracts for the protection from fires of lands under the jurisdiction of the Department of Agriculture; to the Committee on Agriculture.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of November 16, 1970
91st-2nd; No.182

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		Wilderness.....12,46

HIGHLIGHTS: Sen. Mansfield announced that consideration of the Farm Bill Conference Report will be delayed until Tuesday or Wed. due to absence of Chairman Ellender.

Sen. McGovern asked for rejection of the Conference Report and introduced a substitute Farm Bill (S. 4492).

House committee reported bills repealing Naval Stores Act and permitting acceptance of gifts for NAL.

House passed bill prohibiting shipment of "sored" horses in interstate commerce.

SPECIAL ANNOUNCEMENT

IN THE NEXT FEW WEEKS THIS OFFICE PLANS TO DISPOSE OF THE BULK OF THE BILLS, DOCUMENTS, AND HEARINGS ACCUMULATED DURING THE 91ST CONGRESS. AFTER THE CLOSE OF THE CONGRESS, COPIES OF BILLS, HEARINGS, AND SELECTED DOCUMENTS WILL BE AVAILABLE FOR LIBRARY LENDING ONLY. IF YOU HAVE NEED FOR ADDITIONAL COPIES OF MATERIAL PUBLISHED DURING THE 91ST CONGRESS, NOTIFY THIS OFFICE OF YOUR NEEDS AS SOON AS POSSIBLE. SEND YOUR REQUEST TO THE DIVISION OF LEGISLATIVE AND FINANCIAL REPORTING, ROOM 113-E

SENATE

1. FARM BILL. Sen. Mansfield stated that the absence of Chairman Ellender would force a two or three day delay in consideration of the Conference Report on the Farm Bill. pp. S18191-2
Sen. McGovern interpreted the farm state election results as a repudiation of Administration farm policy and introduced his farm bill as a substitute for the Conference Report. pp. S18202-04
2. APPROPRIATIONS. Both Houses received letter from Deputy Director, O.M.B., reporting necessity for a supplemental estimate of appropriation for the Forest Service, F.Y. 1971; to Committee on Appropriations. pp. S18200, H10350
3. FOOD FOR PEACE. Both Houses received letters from Deputy Director, E.M.S., reporting no foreign currency agreements under P.L. 480 for months of September and October; to the Committees on Agriculture. pp. S18200, H10350

HOUSE

4. AGRICULTURE COMMITTEE ACTION. Reported without amendment ~~the following bills:~~
~~H.R. 7444, to repeal the Naval Stores Act (H. Rept. 91-1614); and~~
H.R. 19402, authorizing the acceptance of gifts for the benefit of the National Agricultural Library (H. Rept. 91-1615). p. H10352
5. HORSES. Passed with amendment S. 2543, prohibiting the movement in interstate or foreign commerce of "sored" horses. pp. H10302-6
6. EDUCATION. Received the annual report of the National Advisory Council on Extension and Continuing Education (H. Doc. 91-407); to the Committee on Education and Labor. pp. H10271-2
7. ENVIRONMENT. Rep. Sikes placed in the Record a recent address "Today's Environment", presented by Dr. Mark D. Hollis. pp. H10340-3
8. HEALTH PLAN. Received a report from GAO on the Government-wide service benefit plan -- Blue Cross and Blue Shield for Federal employees -- needs improved administration, Civil Service Commission; to the Committee on Government Operations. p. H10351
9. MOTORIZED EQUIPMENT. Received a report from GAO on the problems related to restricting the use of motorized equipment in wilderness and similar areas, Department of Agriculture, Department of the Interior; to the Committee on Government Operations. p. H10352





NATIONAL AGRICULTURAL LIBRARY

NOVEMBER 16, 1970.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POAGE, from the Committee on Agriculture,
submitted the following

REPORT

[To accompany H.R. 19402]

The Committee on Agriculture, to whom was referred the bill (H.R. 19402) to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of this bill is to provide authority for the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

NEED FOR THE LEGISLATION

The committee feels that the National Agricultural Library should be placed on the same footing with respect to gifts as all other national libraries. According to the Department of Agriculture, the library has drawn the attention of potential donors who are seeking a suitable repository for their gifts. An examination of citations to the United States Code relating to the authority of the Secretary of Agriculture reveals that general authority to receive gifts has not been conferred. However, specific authority to accept gifts was recently included in legislation authorizing the establishment of an animal quarantine station (Public Law 91-239, Approved May 6, 1970).

COMMITTEE CONSIDERATION

The legislation was unanimously reported by the full committee, a quorum being present, on October 13, 1970.

COST

Enactment of the bill would not result in any additional cost to the Government.

DEPARTMENTAL POSITION

The U.S. Department of Agriculture submitted the following report recommending enactment of H.R. 19402:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., October 12, 1970.

Hon. W. R. POAGE,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, D.C.*

DEAR MR. POAGE: The Department of Agriculture is pleased to reply to your request of September 28, 1970, for a report on H.R. 19402, a bill to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

The National Agricultural Library is the world's largest repository of literature and other materials on agriculture and related sciences as it has over 1 million volumes in its collection. The library serves the broad knowledge and informational interests and needs of the Department of Agriculture and is looked to by scientists and scholars as a source for current and historical information. The library is cooperating with the Nation's land-grant colleges as well as international libraries through a series of reciprocal agreements in order to have current agricultural information.

In its new building at Beltsville, Md., the library has drawn the attention of potential donors of primary, and secondary, source material who are seeking a suitable repository for their gifts. The library, at present, lacks the statutory authority to accept gifts, and has been advised by the Office of the General Counsel of the Department of Agriculture that such authority is required in order to accept gifts.

The National Agricultural Library is the only national library which lacks the statutory authority to accept gifts. This bill would give the National Agricultural Library this authority.

The Department of Agriculture fully supports this legislation.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

J. PHIL CAMPBELL, *Under Secretary.*



Union Calendar No. 776

91ST CONGRESS
2^D SESSION

H. R. 19402

[Report No. 91-1615]

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 1970

Mr. SCHWENGEL introduced the following bill; which was referred to the Committee on Agriculture

NOVEMBER 16, 1970

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That

4 SEC. 2. The Secretary of Agriculture is hereby au-
5 thorized to accept, receive, hold, and administer on behalf
6 of the United States gifts, bequests, or devises of real and
7 personal property made unconditionally for the benefit of the
8 National Agricultural Library or for the carrying out of any
9 of its functions. Conditional gifts may be accepted and used
10 in accordance with their provisions provided that no gift may
11 be accepted which is conditioned on any expenditure not

1 to be met therefrom or from the income thereof unless such
2 expenditure has been approved by Act of Congress.

3 SEC. 3. Any gift of money accepted pursuant to the au-
4 thority granted in section 2, or the net proceeds from the
5 liquidation of any other property so accepted, or the proceeds
6 of any insurance on any gift property not used for its restora-
7 tion shall be deposited in the Treasury of the United States
8 for credit to a separate account and shall be disbursed upon
9 order of the Secretary of Agriculture.



Union Calendar No. 776

91ST CONGRESS
2^D Session

H. R. 19402

[Report No. 91-1615]

A BILL

To authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

By Mr. SCHWENGEL

SEPTEMBER 22, 1970

Referred to the Committee on Agriculture

NOVEMBER 16, 1970

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

S. 4548

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 1970

Mr. DOLE introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Secretary of Agriculture is hereby authorized to
4 accept, receive, hold, and administer on behalf of the United
5 States gifts, bequests, or devises of real and personal property
6 made unconditionally for the benefit of the National Agricul-
7 tural Library or for the carrying out of any of its functions.
8 Conditional gifts may be accepted and used in accordance
9 with their provisions provided that no gift may be accepted
10 which is conditioned on any expenditure not to be met there-
11 from or from the income thereof unless such expenditure has
12 been approved by Act of Congress.

1 SEC. 2. Any gift of money accepted pursuant to the
2 authority granted in the first section of this Act, or the net
3 proceeds from the liquidation of any other property so ac-
4 cepted, or the proceeds of any insurance on any gift property
5 not used for its restoration shall be deposited in the Treasury
6 of the United States for credit to a separate account and shall
7 be disbursed upon order of the Secretary of Agriculture.

91ST CONGRESS
2^D SESSION

S. 4548

A BILL

To authorize the Secretary of Agriculture to
receive gifts for the benefit of the National
Agricultural Library.

By Mr. DOLE

DECEMBER 1, 1970

Read twice and referred to the Committee on
Agriculture and Forestry

Dec. 7, 1970

HOUSE

2. BILLS PASSED.

~~S. 1079, consenting to the Susquehanna River Basin compact. This bill now goes to the President. pp. H11150-64~~

~~H.R. 19402, authorizing the acceptance of gifts for the National Agricultural Library. pp. H11149-50~~

~~The following were passed under suspension of the rules:~~

~~S. 437, relating to survivor annuities under the civil service retirement program; agreed to an amendment in the nature of a substitute. pp. H11185-9~~

~~H.R. 19877, an omnibus rivers, harbors, and flood control bill. pp. H11189-206~~

~~H.R. 19846 with amendment, proposed animal welfare bill. pp. H11206-12~~

~~H.R. 17582, amending peanut marketing quota provisions. pp. H11213-4~~

~~S. 1, with amendment, providing relocation assistance and establishing equitable land acquisition policies. pp. H11216-25~~

~~H.R. 15188, amended, providing a criminal penalty for shooting at certain animals from an aircraft. pp. H11257-9~~

~~H.R. 17436, with amendment, providing for a National Environmental Data System. pp. H11259-62~~

~~H.R. 19576, amended, establishing the National Advisory Committee on the Oceans and Atmosphere. pp. H11262-4~~

3. TARIFFS. Committee on Ways and Means reported with amendment, H.R. 7626, amending the Tariff Schedules with respect to the tariff classification of certain sugars, sirups, and molasses (H. Rept. 91-1674). p, H11298

4. HIGHWAY CONSTRUCTION. Vacated previous action of passing and laying on the table of H.R. 19504; subsequently repassed bill. pp. H11147

5. FOREIGN TRADE. Rep. Findley warned of possible retaliation against soybean exports if trade bill passes. pp. H11285-6

6. CHARLES B. SHUMAN. Rep. Findley paid tribute to Mr. Charles B. Shuman upon his retirement as President of the American Farm Bureau Federation. p. H11286

7. REP. POAGE. Rep. Cabell joined in honoring Chairman Poage upon the announcement of the building of the "Bob Poage Land Technology Center" on the Texas State Technical Institute campus in Waco, Texas. pp. H11286

SENATE

8. APPROPRIATIONS; WATER BANK ACT; WILDLIFE & WATER FOWL. Passed without amendment and cleared for the President:

H.R. 19830, FY 1971 Appropriations for HUD; and

H.R. 15770, to preserve and improve wildlife habitat (Water Bank Act). pp. S19521-59; S19485-6

Cleveland	Hosmer	Quie
Collier	Hull	Quillen
Colmer	Hungate	Railsback
Conable	Hunt	Randall
Corbett	Hutchinson	Rarick
Corman	Ichord	Reid, Ill.
Coughlin	Jacobs	Reuss
Cramer	Jarman	Rhodes
Crane	Johnson, Calif.	Riegle
Culver	Johnson, Pa.	Rivers
Cunningham	Jonas	Roberts
Daniel, Va.	Jones, Ala.	Robison
Daniels, N.J.	Jones, N.C.	Rodino
Davis, Ga.	Jones, Tenn.	Rogers, Colo.
Davis, Wis.	Karh	Rogers, Fla.
Delaney	Kagen	Rooney, N.Y.
Dellenback	Kelth	Rooney, Pa.
Denney	Kleppe	Rostenkowski
Dennis	Kluczynski	Roth
Derwinski	Kuykendall	Roybal
Dickinson	Kyl	Ruppe
Dingell	Kyros	Ruth
Donohue	Landgrebe	St Germain
Dorn	Landrum	Satterfield
Downing	Langen	Saylor
Dulski	Latta	Schadeberg
Duncan	Leggett	Scherle
Edmondson	Lloyd	Schmitz
Edwards, Ala.	Long, Md.	Schnebeli
Eilberg	Lujan	Schwengel
Erlenborn	McClary	Scott
Esch	McCloskey	Sebelius
Eshleman	McClure	Shipley
Evans, Colo.	McCulloch	Shriver
Evins, Tenn.	McDade	Sikes
Fallon	McEwen	Sisk
Fascell	McFall	Skubitz
Feighan	Macdonald,	Slack
Findley	Mass.	Smith, Calif.
Fish	Madden	Smith, Iowa
Fisher	Mahon	Smith, N.Y.
Flood	Mailliard	Snyder
Flowers	Mann	Springer
Flynt	Marsh	Staggers
Foley	Martin	Steed
Ford, Gerald R.	Matsunaga	Steele
Foreman	May	Steiger, Ariz.
Forsythe	Mayne	Steiger, Wis.
Fountain	Meeds	Stratton
Frelinghuysen	Melcher	Stubblefield
Frey	Michel	Taft
Fulton, Pa.	Miller, Calif.	Talcott
Fuqua	Miller, Ohio	Taylor
Galifianakis	Mills	Teague, Tex.
Garmatz	Minish	Thompson, Ga.
Gaydos	Mize	Udall
Gettys	Mizell	Ullman
Gibbons	Mollohan	Van Deerin
Goldwater	Montgomery	Vanik
Gonzalez	Moorhead	Vigorito
Goodling	Morgan	Wampler
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Hamilton	O'Hara	Wilson, Bob
Hammer-	Olsen	Wilson,
schmidt	O'Neal, Ga.	Charles H.
Hanley	Passman	Winn
Hansen, Idaho	Patman	Wold
Harsha	Patten	Wolff
Harvey	Pelly	Wright
Hathaway	Perkins	Wyatt
Hays	Philbin	Wyke
Hébert	Pike	Wyman
Hechler, W. Va.	Pirnie	Yates
Henderson	Poff	Yatron
Hicks	Price, Ill.	Young
Hogan	Price, Tex.	Zablocki
Holifield	Pryor, Ark.	Zion
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Bingham	Harrington	Reid, N.Y.
Brown, Calif.	Hawkins	Rosenthal
Burton, Calif.	Howard	Ryan
Clay	Kastenmeier	Scheuer
Cohelan	Koch	Stokes
Conyers	Lowenstein	Thompson, N.J.
Eckhardt	McCarthy	
Edwards, Calif.	Mink	
Ford,	Nedzi	
William D.	Obey	

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Abbitt	Baring	Brasco
Addabbo	Beall, Md.	Button
Alexander	Belcher	Collins, Ill.
Anderson,	Blanton	Collins, Tex.
Tenn.	Bolling	Conte
Aspinall		Cowger

Daddario	Lennon	Preyer, N.C.
de la Garza	Long, La.	Purcell
Dent	Lukens	Reifel
Devine	McDonald,	Roe
Diggs	Mich.	Roudebush
Dowdy	McKneally	Roussetot
Dwyer	McMillan	Sandman
Edwards, La.	MacGregor	Stafford
Farbstein	Mathias	Stanton
Fraser	Meskill	Stephens
Friedel	Mikva	Stuckey
Fulton, Tenn.	Minshall	Sullivan
Gallagher	Monagan	Symington
Gialmo	Morton	Teague, Calif.
Gilbert	Moss	Thomson, Wis.
Gray	Nichols	Tiernan
Green, Oreg.	O'Konski	Tunney
Grover	O'Neill, Mass.	Vander Jagt
Halpern	Ottinger	Waggonner
Hanna	Pepper	Waldie
Hansen, Wash.	Pettis	Ware
Hastings	Pickle	Watts
Heckler, Mass.	Poage	Weicker
Helstoski	Podell	Wiggins
Kee	Pollock	Wydler
King	Powell	

So the motion was agreed to.

Mr. COHELAN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

CONSENT CALENDAR

The SPEAKER pro tempore (Mr. ALBERT). This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

U.S. PARTICIPATION IN THE 1972 UNITED NATION CONFERENCE ON HUMAN ENVIRONMENT

The Clerk called the resolution (H. Res. 562) expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CALL OF THE HOUSE

Mr. HOWARD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. One hundred and eighty-five Members are present, not a quorum.

Mr. ROSTENKOWSKI. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 386]

Abbitt	Daddario	Grover
Addabbo	de la Garza	Halpern
Alexander	Dent	Hanna
Anderson,	Diggs	Hansen, Wash.
Tenn.	Dowdy	Hastings
Aspinall	Dwyer	Heckler, Mass.
Beall, Md.	Edwards, La.	Karh
Belcher	Evans, Colo.	Kee
Blaggi	Farbstein	King
Blanton	Fascell	Lennon
Bollin	Ford,	Long, La.
Brademas	William D.	Lukens
Brasco	Fraser	McKneally
Button	Fulton, Tenn.	MacGregor
Collins, Ill.	Gallagher	Mathias
Collins, Tex.	Gibbons	Meskill
Colmer	Gilbert	Mikva
Conte	Gray	Minshall
Cowger	Green, Oreg.	Moorhead
Cramer	Green, Pa.	Morton

Moss	Preyer, N.C.	Sullivan
Nedzi	Purcell	Symington
Nichols	Rees	Thompson, N.J.
O'Konski	Reifel	Tiernan
O'Neill, Mass.	Roe	Tunney
Ottinger	Roudebush	Vander Jagt
Pepper	Roussetot	Waggonner
Pettis	Sandman	Waldie
Philbin	Scheuer	Watts
Pickle	Smith, Iowa	Weicker
Poage	Stanton	Widnall
Pollock	Stephens	Wiggins
Powell	Stuckey	Wydler

The SPEAKER. On this rollcall 336 Members have answered to their names, a quorum.

Is there objection to dispensing with further proceedings under the call?

Mr. RYAN. Mr. Speaker, I object to dispensing with further proceedings under the call.

Mr. ALBERT. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The question is on the motion of the gentleman from Oklahoma.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. RYAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Two hundred and twenty-three Members are present, a quorum.

So the motion was agreed to.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the next bill on the Consent Calendar.

RELEASING THE CONDITIONS IN A DEED WITH RESPECT TO A CERTAIN PORTION OF THE LAND HERETOFORE CONVEYED BY THE UNITED STATES TO THE SALT LAKE CITY CORP.

The Clerk called the bill (S. 1366) to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corp.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REPEAL OF THE NAVAL STORES ACT

The Clerk called the bill (H.R. 7444) to repeal the Naval Stores Act.

Mr. HAGAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

NATIONAL AGRICULTURAL LIBRARY

The Clerk called the bill (H.R. 19402) to authorize the Secretary of Agriculture

to receive gifts for the benefit of the National Agricultural Library.

There being no objection, the Clerk read the bill, as follows:

H.R. 19402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SEC. 2. The Secretary of Agriculture is hereby authorized to accept, receive, hold, and administer on behalf of the United States gifts, bequests, or devises of real and personal property made unconditionally for the benefit of the National Agricultural Library or for the carrying out of any of its functions. Conditional gifts may be accepted and used in accordance with their provisions provided that no gift may be accepted which is conditioned on any expenditure not to be met therefrom or from the income thereof unless such expenditure has been approved by Act of Congress.

SEC. 3. Any gift of money accepted pursuant to the authority granted in section 2, or the net proceeds from the liquidation of any other property so accepted, or the proceeds of any insurance on any gift property not used for its restoration shall be deposited in the Treasury of the United States for credit to a separate account and shall be disbursed upon order of the Secretary of Agriculture.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RYAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Two hundred and twenty-seven Members are present, a quorum.

So the bill was passed.

A motion to reconsider was laid on the table.

GIVING THE CONSENT OF CONGRESS TO THE ADDITION OF LAND TO THE STATE OF TEXAS, AND CEDING JURISDICTION TO THE STATE OF TEXAS OVER A CERTAIN PARCEL OR TRACT OF LAND HERETOFORE ACQUIRED BY THE UNITED STATES OF AMERICA FROM THE UNITED MEXICAN STATES

The Clerk called the bill (H.R. 8539) giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire whether we are considering Consent Calendar No. 253 or No. 254?

The SPEAKER. The Consent Calendar number is 253.

Mr. HALL. I thank the Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the parcel or tract of land lying adjacent to the territory of the State of Texas, which was acquired by the United States of America by virtue of the Convention Between the United States of America and the United Mexican States for the Solution of the Problem of the Chamizal, signed August 29, 1963, is declared to have become a geographical part of the State of Texas and shall be under the civil and criminal jurisdiction of said State, without affecting the ownership of said land.

With the following committee amendment:

On page 2 after line 3, insert a new section 2 to read as follows:

"SEC. 2. The addition of land and the ceding of jurisdiction to the State of Texas shall take effect upon acceptance by the State of Texas."

The committee amendment was agreed to.

Mr. WHITE. Mr. Speaker, I respectfully ask unanimous consent of the House for the approval of H.R. 8539, a measure which is highly important to complete the orderly transfer of a small parcel of land—193 acres—from the United Mexican States to the United States of America.

In 1963, the United States concluded with Mexico the historic Chamizal Treaty, which settled a century-old dispute over the international boundary, which had been affected by changes in the channel of the Rio Grande. The settlement of that dispute involved transfers of land both to and from the United States. The 193 acres received from Mexico is surrounded entirely by the city of El Paso, except along the new boundary where it borders Mexico. However, attorneys for the city of El Paso and for the International Boundary Commission, United States, and Mexico, requested that I introduce this legislation to remove any doubts as to the civil and criminal jurisdiction of the State of Texas over the newly acquired territory.

The precedent for such necessity was found in the act of February 6, 1940 (54 Stat. 21), which was enacted in connection with lands acquired by the United States from Mexico under the convention of February 1, 1933. My bill is patterned after the 1940 act. The letter from the Attorney General, quoted in the report, cites two other precedents for this type of legislation.

The State of Texas, also recognizing the necessity of clarifying legislation as to the criminal and civil jurisdiction over the area, has passed its own legislation accepting the area as a geographical part of the State of Texas and under the civil and criminal jurisdiction of that State. The State Legislature of Texas approved Senate bill 571 of the 61st legislature, and it was signed into law June 12, 1969.

Mr. Speaker, State and Federal officials feel that this legislation is necessary to complete the orderly development of the border area at El Paso. Our Government has developed extensive border

crossing facilities in the area: The El Paso Independent School District has laid plans for developing a large high school-vocational school in the area, and this Congress approved, in 1966, the establishment of the Chamizal National Memorial on 55 acres of the land under legislation which I introduced.

It is highly important that none of these projects be delayed through any legal doubts of the sovereignty over the area involved. This legislation will assure that, without affecting ownership of any of the land involved, it will be legally a geographical part of the city of El Paso, the county of El Paso, and the State of Texas.

I will greatly appreciate the unanimous consent of this body to the approval of H.R. 8539.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUSQUEHANNA RIVER BASIN COMPACT

The Clerk called the bill (S. 1079) consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I do so to ask a question or two of the gentleman from Wisconsin (Mr. KASTENMEIER).

Do I correctly understand that the cost of this bill to the Federal Government is \$233,000 for fiscal year 1971?

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. I would inform the gentleman "no," but it possibly could if the Congress authorized an additional \$175,000 as a part of the negotiated Federal share of expenses of the Commission.

The only authorized cost to the Government will be the sum of \$58,000 for support of the office of the Federal Government's member delegate to the Commission.

Mr. GROSS. According to the report, though the estimates are different, it is said that the Delaware Basin compact expense to the Federal Government in fiscal year 1971 totals \$233,000. I do not understand the use of the figure \$233,000 under the circumstances.

Mr. KASTENMEIER. If the gentleman will yield further, I will say that figure is used for comparative purposes. It is the only other Commission which resembles the one to which we give consent herein. In that Commission the office of the representative of the Federal Government in the Delaware compact is presently authorized \$58,000 for support of him and his office, and the Federal Government has further negotiated with the compacting States the sum of \$175,000 as its share in supporting the Com-

H. R. 19402

U. S. DEPARTMENT OF AGRICULTURE

WASHINGTON, D. C.

1940

AN ACT

to provide for the establishment of a National Bureau of Plant Industry, and for other purposes.

Section 1. That the National Bureau of Plant Industry be established as a part of the Department of Agriculture.

Section 2. That the National Bureau of Plant Industry be organized as follows:

(a)

Section 3. That the National Bureau of Plant Industry be organized as follows:

Section 4. That the National Bureau of Plant Industry be organized as follows:

Section 5. That the National Bureau of Plant Industry be organized as follows:

Section 6. That the National Bureau of Plant Industry be organized as follows:

Section 7. That the National Bureau of Plant Industry be organized as follows:

91ST CONGRESS
2^D SESSION

H. R. 19402

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 1970

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That

4 SEC. 2. The Secretary of Agriculture is hereby author-
5 ized to accept, receive, hold, and administer on behalf of
6 the United States gifts, bequests, or devises of real and
7 personal property made unconditionally for the benefit of the
8 National Agricultural Library or for the carrying out of any
9 of its functions. Conditional gifts may be accepted and used
10 in accordance with their provisions provided that no gift may
11 be accepted which is conditioned on any expenditure not

91ST CONGRESS
2^D SESSION

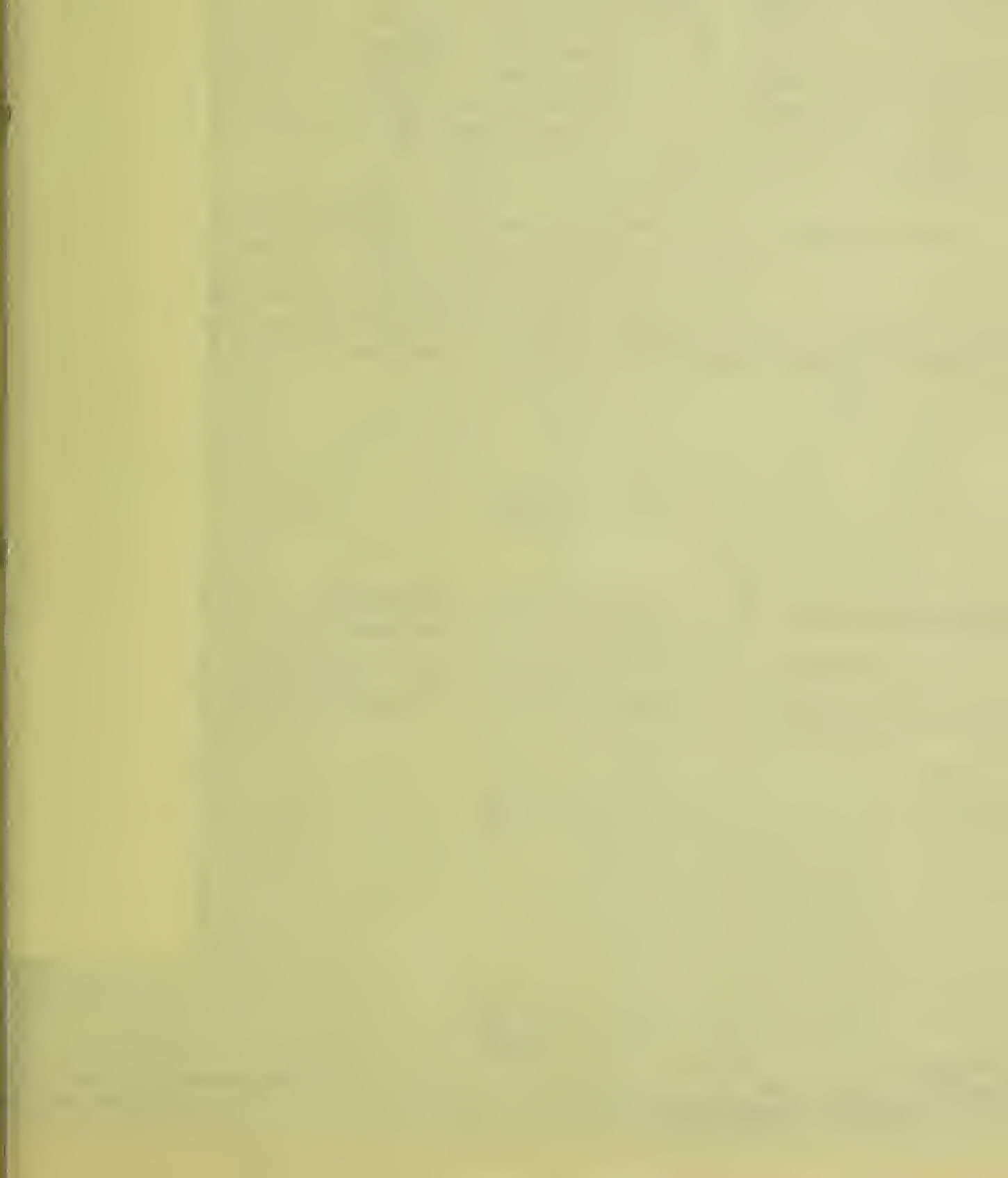
H. R. 19402

AN ACT

To authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

DECEMBER 8, 1970

Read twice and referred to the Committee on
Agriculture and Forestry



DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of December 15, 1970
91st-2nd; No. 201

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HIGHLIGHTS: House appointed conferees on supplemental appropriations bill.
Conferees filed report on disaster relief bill.
House subcommittee approved joint resolution on 1971 burley tobacco marketing quotas for full committee.
Senate committee reported bills re gifts for NAL, increasing certain FHA loan limitations, and 1971 burley tobacco marketing quotas.

HOUSE

1. FLOOR ACTION.

Disagreed to Senate amendments to H.R. 19928, FY 71 supplemental appropriations bill. Conferees appointed. p. H11686
Agreed to the conference report on H.R. 17755, FY 71 Department of Transportation appropriations. pp. H11700-12
Agreed to the conference report on H.R. 18515, FY 71 Labor-HEW appropriations. pp. H11739-49

2. COMMITTEE ACTION.

Conferees filed reports on:

S. 3619, revising and expanding Federal programs for disaster relief (H. Rept. 91-1752). pp. H11729-39; and

S. 2162, providing for special packaging for hazardous substances (H. Rept. 91-1755); and

H.R. 19590, FY 71 Department of Defense appropriations (H. Rept. 91-1759). pp. H11766-7

Select Committee on Small Business filed a report, "New Softwood Lumber Standards and Its Impact on Small Business (H. Rept. 91-1751). p. H11766

A Subcommittee of the Agriculture Committee approved for full committee action H.J. Res. 1415, extending the time for the proclamation of the marketing quotas for burley tobacco for 3 marketing years beginning October 1, 1971. p. D1278

SENATE

3. ~~FHA; NAL; TOBACCO.~~ Committee on Agriculture and Forestry reported without amendment ~~the following bills:~~

H.R. 19402, to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library (S. Rept. No. 91-1440);

H.R. 11547, to amend the CFHA Act of 1961 to increase the loan limitations on certain loans (S. Rept. No. 91-1441); and

S.J. Res. 249 to extend the time for proclamation of marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971 (S. Rept. No. 91-1442). p. S20140

4. ECONOMY. Sen. Scott placed in the Record an editorial comment on the President's state of the economy review. pp. S20149-50

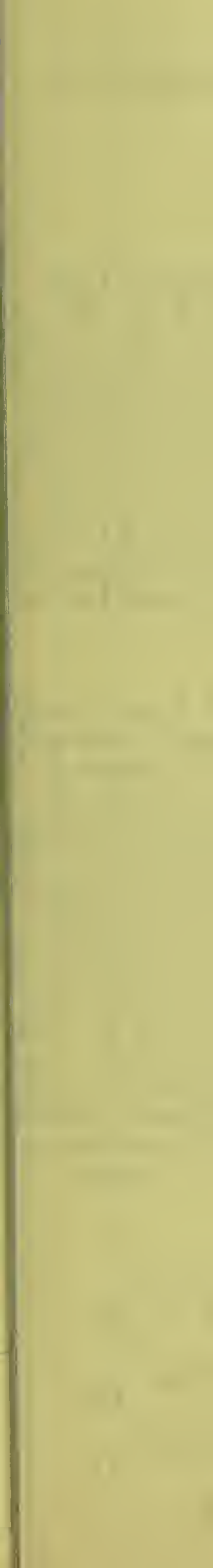
Sen. Mathias called attention to Secretary Romney's speech on economic growth and placed the text in the Record. pp. S20156-8

5. ENVIRONMENT. Insisted on its amendment to H.J. Res. 1117, to create a Joint Committee on the Environment; conference requested and conferees appointed. p. S2022

6. SOIL CONSERVATION. Sen. McIntyre praised the work of NACD Treasurer Bauer and placed in the Record his statement "Districts Need To Orient Their Programs Toward People and the Quality of Life". p. S20149

7. INTERNATIONAL TRADE. Sen. Talmadge deplored attacks on the proposed trade legislation and inserted in the Record many articles showing job losses due to foreign imports. pp. S20160-62

Sen. Mondale pointed out the dangers in the trade bill with respect to U.S. exports and placed in the Record seven pages of charts showing the exports of each state, incorporating USDA agricultural export figures. pp. S20163-9



NATIONAL AGRICULTURAL LIBRARY

DECEMBER 15, 1970.—Ordered to be printed

Mr. DOLE, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany H.R. 19402]

The Committee on Agriculture and Forestry, to which was referred the bill (H.R. 19402) to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

This bill would authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library. Its enactment would not result in any additional cost to the Government. Attached is the report of the Department of Agriculture recommending enactment of S. 4548, a Senate companion bill, together with statements on the purpose of and need for this legislation furnished to the committee by the Department.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., December 11, 1970.

HON ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Department of Agriculture is pleased to reply to your request of December 3, 1970, for a report on S. 4548, a bill to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

The National Agricultural Library is the world's largest repository of literature and other materials on agriculture and related sciences as it has over 1 million volumes in its collection. The library serves the broad knowledge and informational interests and needs of the Department of Agriculture and is looked to by scientists and scholars as a source for current and historical information. The Library is cooperating with the Nation's land-grant colleges as well as international libraries through a series of reciprocal agreements in order to have current agricultural information.

It its new building at Beltsville, Md., the Library has drawn the attention of potential donors of primary, and secondary source material who are seeking a suitable repository for their gifts. The Library, at present, lacks the statutory authority to accept gifts, and has been advised by the Office of the General Counsel of the Department of Agriculture that such authority is required in order to accept gifts.

The National Agricultural Library is the only national library which lacks the statutory authority to accept gifts. This bill would give the National Agricultural Library this authority.

The Department of Agriculture fully supports this legislation.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

J. PHIL CAMPBELL,
Acting Secretary.

PURPOSE OF THE LEGISLATION

The bill has as its objective the advancement of scientific research and information services by giving statutory authority to the Secretary of Agriculture to accept gifts for the National Agricultural Library. This library has over 1 million volumes, and comprises the world's largest collection of printed material on the agricultural sciences. In its new building in Beltsville, Md., the library provides scholars with opportunities for study, and has also attracted the attention of potential donors of valuable collections of primary, as well as secondary, source material. For example, the Library has been offered the world's largest and most complete collection of historical literature and related material on American poultry.

NEED FOR LEGISLATION

The National Agricultural Library does not enjoy statutory authority to accept gifts, as does the Library of Congress, the National Library of Medicine, and some other Federal libraries. The Office of the General Counsel of the USDA has indicated that such statutory authority is needed in view of decisions of the Comptroller General concerning the need for specific statutory authority in order to accept gifts and to assure clear title, free of any possible future litigation, for gifts that the Library might accept. At present, the Library is forced to consider with uncertainty, not only gifts that are being offered, but a program of soliciting gifts that would add immeasurably to the stature of the Library and its services.



Calendar No. 1451

91ST CONGRESS
2D SESSION

H. R. 19402

[Report No. 91-1440]

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 1970

Read twice and referred to the Committee on Agriculture and Forestry

DECEMBER 15, 1970

Reported by Mr. DOLE, without amendment

AN ACT

To authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That

SEC. 2. The Secretary of Agriculture is hereby authorized to accept, receive, hold, and administer on behalf of the United States gifts, bequests, or devises of real and personal property made unconditionally for the benefit of the National Agricultural Library or for the carrying out of any of its functions. Conditional gifts may be accepted and used in accordance with their provisions provided that no gift may be accepted which is conditioned on any expenditure not

1 to be met therefrom or from the income thereof unless such
2 expenditure has been approved by Act of Congress.

3 SEC. 3. Any gift of money accepted pursuant to the au-
4 thority granted in section 2, or the net proceeds from the
5 liquidation of any other property so accepted, or the proceeds
6 of any insurance on any gift property not used for its restora-
7 tion shall be deposited in the Treasury of the United States
8 for credit to a separate account and shall be disbursed upon
9 order of the Secretary of Agriculture.

Passed the House of Representatives December 7, 1970.

Attest:

W. PAT JENNINGS,

Clerk.



Calendar No. 1451

91ST CONGRESS
2^D SESSION

H. R. 19402

[Report No. 91-1440]

AN ACT

To authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

DECEMBER 8, 1970

Read twice and referred to the Committee on
Agriculture and Forestry

DECEMBER 15, 1970

Reported without amendment

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of December 17, 1970
91st-2nd; No. 203

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Disaster relief.....10	Potato & tomato	D.C. Revenue.....10
	promotion.....10	

HIGHLIGHTS: Conferees filed reports on Federal-Aid Highway Act and HUD act.
House agreed to motion to send potato and tomato promotion bill to conference.
House agreed to conference report on disaster relief bill.
Senate passed food stamp amendments, with amendment, and requested conference.
Senate passed NAL gifts act.
Senate passed bill removing export restrictions on wine with amendment providing land-grant status for College of Virgin Islands and University of Guam.

SENATE

1. FOOD STAMPS. Passed H.R. 18582 after amendment by striking all after the enacting clause and substituting the language of S. 2547 to extend and revise the food stamp program; conference requested and conferees appointed.
pp. S20446-7

2. NAL. Passed H.R. 19402 to authorize the receipt of gifts for the National Agricultural Library. This bill now goes to the President. p. S20446
3. WINE; COLLEGE OF V.I. AND UNIVERSITY OF GUAM. Passed H.R. 14169, to remove export restrictions against domestic wines under Title I of P.L. 480, after adopting Moss amendment granting land-grant status to the College of the Virgin Islands and the University of Guam. pp. S20468-9
4. RELOCATION ASSISTANCE AND LAND ACQUISITION. Agreed to House amendment with amendments to S. 1, proposed Uniform Relocation Assistance and Acquisition Policies Act. pp. S20458-66
5. ANIMALS. Committee on Commerce reported with an amendment H.R. 15188 to prohibit the shooting of certain wildlife from aircraft (S. Rept. 91-1482). p. S20482.
6. TUNA CONTAMINATION. Sen. Nelson commented on the danger of mercury in Tuna and placed in the Record articles and reports on the effects of mercury poisoning from Tuna. pp. S20427-8
7. CARNATION FARMS. Sen. Jackson saluted the 60th anniversary of one of "the best known agricultural institutions in the world" and reviewed the history of the Carnation Farms. p. S20498
8. TRADE LEGISLATION. Sen. Pearson expressed his opposition to the proposed Trade Act of 1970 and his displeasure that the Administration lent its support to the introduction of the bill as an amendment to the Social Security Amendments legislation. pp. S20504-6

HOUSE

9. COMMITTEE ACTION.

Conferees filed reports on:

H.R. 19504, authorizing appropriations for the construction of certain highways (H. Rept. 91-1780). pp. H11949-67, H12011; and

H.R. 19436, providing for the establishment of a national urban growth policy. A provision extending the restriction on log exports was retained in the bill (H. Rept. 91-1784). pp. H11992-12010, H12011; and

H.R. 19877, Rivers, Harbors, and Flood Control Act of 1970 (H. Rept. 91-1782). pp. H11967-75, H12011; and

H.R. 17255, providing for a more effective program to improve the Nation's air quality (H. Rept. 91-1783). pp. H11975-92, H12011.

tunnel would cave in, such authority would not be given.

"The company, in correspondence during the next several months, repeated its request, which the Government repeatedly denied. The plaintiff caused the situation to be examined by several experts. The Court of Claims in its opinion stated that the experts found that, throughout the length of the tunnel, the rock contained seams filled with mud and clay; that these seams were saturated with water and offered little resistance to the fall of the rock when its vertical support had been removed. It was further indicated that since the tunnel had been blasted through in the winter when no moisture could enter the ground from the surface, which was about 100 feet above the tunnel, the rock was relatively stable at that time. When the ground at the surface thawed and the spring rains came, the saturation of the seams in the rock occurred or was increased, as was the instability of the overlying rock. (*Carlo Bianchi and Company Inc. v. the United States, supra* 502-503).

"In the disputation in the writings of the parties, the Government took the position that all that was needed was "temporary protection" sufficient to enable the workmen to safely clear out the tunnel and construct the concrete lining. If that was all that was needed, it was no more than the company had contracted to do, at its own expense. Such protection would apparently have been wooden cribbing, sufficiently strong to prevent a relatively small volume of rock from crashing to the floor of the tunnel.

"The company's contention was, and is, that the rock above the tunnel was so unstable that unless 'permanent protection' was installed, of a kind which would have to remain imbedded in the concrete lining of the tunnel, not only would the workmen be endangered but the tunnel could not be completed because of the danger of large falls of rocks which would make it impossible or impracticable to properly construct the concrete lining.

"On May 5, 1947, the contracting officer formally notified the plaintiff that it was his decision that no additional steel tunnel lining would be authorized to be placed at the expense of the Government. The contracting officer decided that there were no changed conditions within the meaning of the clause; that only temporary protection was necessary; and that the contractor was obligated under the terms of the contract to bear the cost of protection of workmen.

"Pursuant to the 'disputes' clause of the contract the contractor appealed from the contracting officer's decision to the Board of Claims and Appeals of the Corps of Engineers. While the appeal was pending, the contractor installed the permanent steel supports which it deemed essential and completed work on the tunnel.

"A hearing was held before the Board, at which a record was made and each side offered evidence including expert testimony and had an opportunity for cross-examination. The Board decided in favor of the Government, resolving certain conflicts in the evidence against the contractor and holding in effect, that there were no unanticipated or unforeseen conditions requiring the installation of permanent steel protection throughout the tunnel. (Eng. C. & A. No. 14, decided Dec. 12, 1948.)

"In December 1954, the company brought an action in the Court of Claims on its claim. As is noted in the decision as reported in volume 144 of the Court of Claims reports at page 506, the court held that after a consideration of all of the evidence the contracting officer's decision " * * * cannot be said to have substantial support." The Army report notes that the court conducted a de novo hearing. In this connection the court asserted that in enacting the Wunderlich Act (May 11, 1954, ch. 199, 68 Stat. 81; 41 U.S.C. secs. 321, 322), the Congress acted in

accord with the previous holding of the Court of Claims that the trial before the court should not be limited to the record made before the contracting agency but should be de novo, *Volentine and Littleton v. United States*, 136 Ct. Cls. 638. The Supreme Court granted certiorari, 371 U.S. 939, on the question of the kind of judicial proceeding to be afforded in cases governed by the Wunderlich Act. The issue before the court was whether the Court of Claims was limited to the administrative record or was free to take new evidence. The Supreme Court held that in the consideration of matters within the scope of the 'disputes' clause as in the *Bianchi* case, the Court of Claims is confined to review of the administrative record and may not receive new evidence.

"The committee has recommended the relief provided in the committee amendment after a careful consideration of the background of this matter. In this connection the committee has reviewed the testimony presented at a subcommittee hearing on August 6, 1970, as well as the decisions of the Court of Claims in connection with the case of *Carlo Bianchi & Company v. the United States*, Court of Claims No. 466-54 as reported at 144 Ct. Cls. 500, 157 Ct. Cls. 432, and 167 Ct. Cls. 364 and the decision of the Supreme Court in the same matter (373 U.S. 709 (1963)).

"The bill as originally introduced provided for the payment of the amount found by the Court of Claims to be due the company (157 Ct. Cls. 432, 434). The Department of the Army opposed relief as originally provided in the bill on the ground that enactment of the bill would result in a preference to the Bianchi firm over other firms similarly situated, and states that it can see no justification for the precedent it concludes would be established. The Department of Justice also indicated its opposition to the bill stating:

"The bill gives preferential treatment to this particular contractor and discriminates against other contractors who have unsuccessfully sought judicial relief on claims arising out of Government contracts."

"The committee has carefully considered the objections of the departments and has concluded that the objections are relevant to the bill as originally introduced which would have granted the company direct relief by providing for payment of the amount stated in the bill. However, the committee feels that the equities of this particular case justify a recommendation that the bill be amended to permit a reconsideration of the claim by the Corps of Engineers Board of Contract Appeals. The circumstances and events in connection with proceedings in this particular matter appear to be unique, and to provide a basis for relief in this instance.

"At the hearing on August 6, 1970, it was pointed out that the Supreme Court decision in the *Bianchi* case served to clarify the law concerning the consideration of matters within the scope of the "disputes" clause of contracts such as was involved in this matter. It is now clear that the Court of Claims is confined to a review of the administrative record under the standards of section 321 of title 41 of the United States Code. This decision of course, served to alert all claimants as well as the Contract Appeals Board to the importance of a full and complete record, and also to the significance of procedures before the Board.

"In the light of these considerations the committee concluded that the Board is the proper forum for the resolution of this matter. While it might be argued that a reconsideration by the Board would be an unusual procedure, it is felt that it has the advantage of placing the matter for decision before the proper forum for such a resolution. In this connection the committee feels that the following quotation from the dissenting opinion, in the *Bianchi* case in the Supreme

Court (373 U.S. 709, 719-720) contains a good outline of the equities and considerations which show the basis for relief as provided in the amended bill:

"The Board found that respondent at the start should have used temporary protection against fallins and that, had it done so, permanent tunnel protection would not have been required. In February 1948, before the hearing, a letter from the Acting District Engineer to the Chief of Engineers reported a conversation the Corps' Resident Engineer for this project he had had with an expert from the New York's Bureau of Mines. The only inference that could be drawn from that report was that the expert believed that the tunnel was in safe condition shortly after it was bored and that its later unsafe condition was caused by the fact that respondent "had not had the foresight to gunithe the exposed tunnel roof with cement as the excavation progressed to seal it against air slacking [sic] * * *". Somehow, in a manner not disclosed by the record, this letter came into the hands of the Appeal Board and was considered by it before a decision was rendered on the appeal."

"After the decision respondent learned of this expert's alleged statements and called him as a witness at the hearing before the Court of Claims, where he testified on the basis of his inspection that permanent, not temporary, protection against fallins was necessary from the beginning. As respects the guniting of the tunnel, one of the Government's own witnesses testified at the hearing before the Court of Claims that it would have served no useful purpose.

"This issue—whether only temporary protection was needed—was one of the main issues in the case. When the agency making the decision relies on evidence that the claimant had no chance to refute, the hearing becomes infected with a procedure that lacks that fundamental fairness the citizen expects from his Government. Cf. *Willner v. Committee on Character and Fitness, ante*, p. 96; *Gonzalez v. United States*, 348 U.S. 407; *Morgan v. United States*, 304 U.S. 1.

"This irregularity points up what Judge Madden, writing for the Court of Claims, said in *Volentine & Littleton v. United States*, 136 Ct. Cl. 638, 641-642, 145 F. Supp. 952, 954:

"* * * the so-called "administrative record" is in many cases a mythical entity. There is no statutory provision for these administrative decisions or for any procedure in making them. The head of the Department may make the decision on appeal personally or may entrust anyone else to make it for him. Whoever makes it has no power to put witnesses under oath or to compel the attendance of witnesses or the production of documents. There may or may not be a transcript of the oral testimony. The deciding officer may, and even in the departments maintaining the most formal procedures, does, search out and consult other documents which, it occurs to him, would be enlightening, and without regard to the presence or absence of the claimant."

"The committee understands that after the *Bianchi* case procedures for administrative hearings have been revised and improved. However, it was asserted that the claimant company did not have the advantage of those procedures. The amended bill would give the company the opportunity for a full hearing. It is recommended that the bill, as amended by the committee, be considered favorably."

In agreement with the views of the House Judiciary Committee, the bill is recommended favorably.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

The resolution (S. Res. 493) authorizing additional expenditures by the Com-

mittee on the Judiciary for a study of matters pertaining to constitutional amendments was considered, and agreed to, as follows:

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate \$7,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 335, Ninety-first Congress, agreed to February 16, 1970, authorizing a complete study of any and all matters pertaining to constitutional amendments.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1438), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 493, would increase by \$7,000, from \$173,700 to \$180,700, the limitation on expenditures by the Committee on the Judiciary for the study of matters pertaining to constitutional amendments it is currently engaged in pursuant to Senate Resolution 335 of the present Congress.

Senate Resolution 335, as agreed to by the Senate on February 16, 1970, authorized the Committee on the Judiciary, or any duly authorized subcommittee thereof, to expend not to exceed \$173,700 from February 1, 1970, through January 31, 1971, to examine, investigate, and make a complete study of any and all matters pertaining to constitutional amendments.

The additional funds which would be authorized by Senate Resolution 493, are requested by the Committee on the Judiciary to enable it to meet the costs of the salary increase granted by Public Law 91-231, approved April 15, 1970.

NATIONAL AGRICULTURAL LIBRARY

The bill (H.R. 19402) to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1440), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library. Its enactment would not result in any additional cost to the Government. Attached is the report of the Department of Agriculture recommending enactment of S. 4548, a Senate companion bill, together with statements on the purpose of and need for this legislation furnished to the committee by the Department.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., December 11, 1970.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Department of Agriculture is pleased to reply to your request of December 3, 1970, for a report on S. 4548, a bill to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

The National Agricultural Library is the world's largest repository of literature and

other materials on agriculture and related sciences as it has over 1 million volumes in its collection. The library serves the broad knowledge and informational interests and needs of the Department of Agriculture and is looked to by scientists and scholars as a source of current and historical information. The Library is cooperating with the Nation's land-grant colleges as well as international libraries through a series of reciprocal agreements in order to have current agricultural information.

In its new building at Beltsville, Md., the Library has drawn the attention of potential donors of primary, and secondary source material who are seeking a suitable repository for their gifts. The Library, at present, lacks the statutory authority to accept gifts, and has been advised by the Office of the General Counsel of the Department of Agriculture that such authority is required in order to accept gifts.

The National Agricultural Library is the only national library which lacks the statutory authority to accept gifts. This bill would give the National Agricultural Library this authority.

The Department of Agriculture fully supports this legislation.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

J. PHIL CAMPBELL,
Acting Secretary.

PURPOSE OF THE LEGISLATION

The bill has as its objective the advancement of scientific research and information services by giving statutory authority to the Secretary of Agriculture to accept gifts for the National Agricultural Library. This library has over 1 million volumes, and comprises the world's largest collection of printed material on the agricultural sciences. In its new building in Beltsville, Md., the library provides scholars with opportunities for study, and has also attracted the attention of potential donors of valuable collections of primary, as well as secondary, source material. For example, the Library has been offered the world's largest and most complete collection of historical literature and related material on American poultry.

NEED FOR LEGISLATION

The National Agricultural Library does not enjoy statutory authority to accept gifts, as does the Library of Congress, the National Library of Medicine, and some other Federal libraries. The Office of the General Counsel of the USDA has indicated that such statutory authority is needed in view of decisions of the Comptroller General concerning the need for specific statutory authority in order to accept gifts and to assure clear title, free of any possible future litigation, for gifts that the Library might accept. At present, the Library is forced to consider with uncertainty, not only gifts that are being offered, but a program of soliciting gifts that would add immeasurably to the stature of the Library and its services.

AMENDMENT OF THE HOUSE FOOD STAMP ACT

Mr. ELLENDER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 18582.

The PRESIDING OFFICER (Mr. JORDAN of Idaho) laid before the Senate H.R. 18582, an act to amend the Food Stamp Act of 1964, which was read twice by title.

Mr. ELLENDER. Now, Mr. President, I regret to state that when the House considered this bill, it did not substitute the Senate bill on the same subject.

Representative POAGE of Texas made the attempt to do so but someone objected, so that under their rules the objection stood.

What I desire to do is to ask unanimous consent that the Senate proceed to the consideration of the House bill and then substitute the Senate passed text for the House language so that we can go to conference. That will be the purpose of my motion.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 18582.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate will proceed to consider the bill.

Mr. ELLENDER. Now, Mr. President, on September 24, last year, the Senate passed S. 2547, a bill covering the same subject, namely, amendment to the Food Stamp Act of 1964. I move that all after the enacting clause of H.R. 18582 be stricken, and that the language of S. 2547 be inserted in lieu thereof, and I send a copy of S. 2547 to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. McGOVERN. Mr. President, reserving the right to object—and I shall not object—because I agree entirely with what the Senator from Louisiana is asking the Senate to do, to substitute the Senate language for the House passed bill; but I do want to serve notice on the Senate that I will have some things to say a little bit later on this afternoon about the action of the other body with reference to the food stamp legislation.

Mr. JAVITS. Mr. President, reserving the right to object, I should like to join—I shall not delay the Senate—the Senator from South Dakota (Mr. McGOVERN). I am the ranking member of that committee, and I join the Senator in the position he has taken and in respect to the Senator from Louisiana (Mr. ELLENDER) in his perfectly appropriate request on the House bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

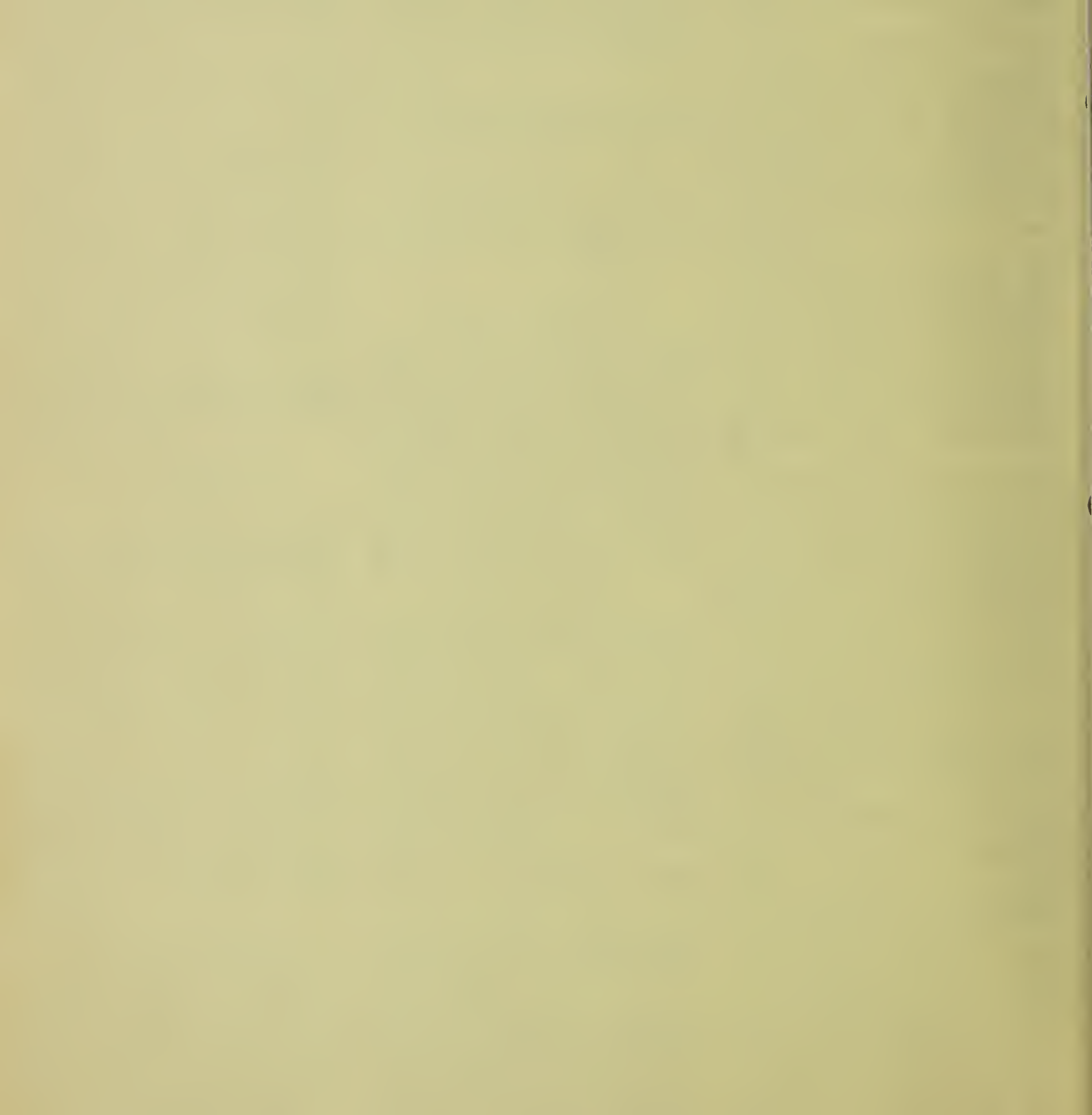
The bill was read the third time and passed.

Mr. ELLENDER. Mr. President, I move that the Senate bill S. 2547, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I move that the Senate insist on its amendment, request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. JORDAN of Idaho) appointed Mr. ELLENDER, Mr. HOLLAND, Mr.





Public Law 91-591
91st Congress, H. R. 19402
December 28, 1970

An Act

84 STAT. 1588

To authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SEC. 2. The Secretary of Agriculture is hereby authorized to accept, receive, hold, and administer on behalf of the United States gifts, bequests, or devises of real and personal property made unconditionally for the benefit of the National Agricultural Library or for the carrying out of any of its functions. Conditional gifts may be accepted and used in accordance with their provisions provided that no gift may be accepted which is conditioned on any expenditure not to be met therefrom or from the income thereof unless such expenditure has been approved by Act of Congress.

National
Agricultural
Library.
Gifts.

SEC. 3. Any gift of money accepted pursuant to the authority granted in section 2, or the net proceeds from the liquidation of any other property so accepted, or the proceeds of any insurance on any gift property not used for its restoration shall be deposited in the Treasury of the United States for credit to a separate account and shall be disbursed upon order of the Secretary of Agriculture.

Approved December 28, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-1615 (Comm. on Agriculture).

SENATE REPORT No. 91-1440 (Comm. on Agriculture and Forestry).

CONGRESSIONAL RECORD, Vol. 116 (1970):

Dec. 7, considered and passed House.

Dec. 17, considered and passed Senate.

